

### **REMARKS**

The Applicant respectfully requests further examination and consideration in view of the arguments set forth fully below. Claims 1-38, 40-43, and 45-55 were previously pending in this application. Within the Office Action, Claims 1-14, 37, 38, 40-43 and 45-55 have been rejected, Claim 15 has been objected to and Claims 16-36 have been allowed. By the above amendment, Claims 1, 6, 37, 38 and 55 have been amended and Claim 15 has been canceled. Accordingly, Claims 1-14, 16-38, 40-43, and 45-55 are pending in this application.

#### **Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1-12, 37, 40-43, 45-49 and 55 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,157,475 to Webster (hereinafter “Webster”) in view of U.S. Patent No. 4,533,044 to Ban (hereinafter “Ban”).

Webster discloses a paint pot, within which is an upstanding partition subdividing its interior into two compartments. The pot is covered with a closure, the periphery of which may be forced into or connected with the upper edge of the wall of the container while its center overlies the upper end of the partition. Outlets are formed at the bottom of the two compartments directly opposite each other and on a line at right-angles to the plane of the partition. Webster does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Webster does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

Ban teaches a wet storage device which is primarily used to temporarily store a paint brush or roller. The device comprises a hollow container 14 and a solid, planar lid 19 with a downwardly directed annular flange 20 for frictionally engaging the adjacent sides of the container. The lid is detachably mounted on the open top 16 of the container. The cover has at least one small opening 22 from which a number of similar slits 23 cut through the cover, extend in a radial direction to form between them a plurality of similar, pie-shaped, flexible segments 24 which frictionally engage and help hold the handle of the paint brush and roller suspended within the chambers of the container 14. Ban does not teach a paint storage apparatus comprising a

removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Ban does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

The Office Action includes a statement that modification of the paint pot of Webster in view of the paint applicator storage container of Ban would be obvious to a person skilled in the art “in order to allow individual paint implement support.” Ban provides support for paint implements in order to store them, while Webster teaches a container for storing and using paint. Since Webster already teaches a lid for sealing its compartments adapting the container of Webster to have a lid such as the one taught by Ban seems to provide only one added advantage: the ability to store a paint brush or roller within the paint already stored in the container. Ban suggests that paint be removed from a paint brush during or prior to storage, i.e. that paint applicators should not be stored in paint. The cited portion of Webster makes no suggestion that paint brushes or rollers be *stored* within its compartments. Thus, the Applicants submit that one skilled in the art would find no suggestion or motivation within either Webster or Ban to combine the two references. According to MPEP §2143.01, the prior art must suggest the desirability of the claimed invention. Thus, the present invention is patentable over the combination of Webster with Ban.

As discussed above, Webster does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. Further, Webster does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. As also discussed above, Ban does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of chambers. As further discussed above, Ban does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more

dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. Accordingly, neither Webster, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. Further, neither Webster, Ban nor their combination teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

In contrast to the teachings of Webster, Ban and their combination, the apparatus of the present invention is directed to a paint storage apparatus comprising a container divided into a plurality of adjoining chambers, and a removable lid having a plurality of orifices. The apparatus is preferably substantially cylindrical and is uniformly formed from a homogenous material. When the removable lid is fixed on the container, the orifices are aligned over the chambers, with one of the plurality of orifices over each of the plurality of chambers. Further, when the removable lid and the container are mated, the plurality of chambers in the container are sealed such that paint cannot be interchanged between the chambers. The cap is configured to detachably couple to the lid and prevent spillage and spoilage of paint stored within the container. In addition, the cap and the removable lid preferably each further comprise tabs configured to facilitate removal of the lid from the container and to facilitate removal of the cap from the lid. As described above, neither Webster, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments.

The independent Claim 1 is directed to a paint storage apparatus. The paint storage apparatus of Claim 1 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As discussed above, neither Webster, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves,

wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of chambers. For at least these reasons, the independent Claim 1 is allowable over the teachings of Webster, Ban and their combination.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Webster, Ban and their combination. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 15 has been objected to as being dependent upon a rejected base claim. By the above amendment, the limitations from Claim 15 have been added into the independent Claim 6. Accordingly, the independent Claim 6 is allowable over the teachings of Webster, Ban and their combination.

Claims 7-12 are all dependent upon the independent Claim 6. As discussed above, the independent Claim 6 is allowable over the teachings of Webster, Ban and their combination. Accordingly, Claims 7-12 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 37 comprises integrally formed interior walls, one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers configured to store paint and a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. As discussed above, neither Webster, Ban nor their combination teach a paint storage apparatus comprising a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. For at least these reasons, the independent Claim 37 is allowable over the teachings of Webster, Ban and their combination.

Claims 40-43 and 45-49 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Webster, Ban and their

combination. Accordingly, Claims 40-43 and 45-49 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 55 is directed to a paint storage apparatus. The paint storage apparatus of Claim 55 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments, permitting selective insertion of a paint applicator into each of the plurality of compartments. As discussed above, neither Webster, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. For at least these reasons, the independent Claim 55 is allowable over the teachings of Webster, Ban and their combination.

Within the Office Action, Claims 1-12, 37, 40-43, 45-49 and 55 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of U.S. Patent No. 6,041,919 to Adams (hereinafter "Adams").

As discussed above, Webster does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Webster does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

Adams teaches a lid and lid system for storing an implement in a container. Adams also does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Adams does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

As discussed above, Webster does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. Further, Webster does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. As also discussed above, Adams does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As further discussed above, Adams does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. Accordingly, neither Webster, Adams nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. Further, neither Webster, Adams nor their combination teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

In contrast to the teachings of Webster, Adams and their combination, the apparatus of the present invention is directed to a paint storage apparatus comprising a container divided into a plurality of adjoining chambers, and a removable lid having a plurality of orifices. The apparatus is preferably substantially cylindrical and is uniformly formed from a homogenous material. When the removable lid is fixed on the container, the orifices are aligned over the chambers, with one of the plurality of orifices over each of the plurality of chambers. Further, when the removable lid and the container are mated, the plurality of chambers in the container are sealed such that paint cannot be interchanged between the chambers. The cap is configured to detachably couple to the lid and prevent spillage and spoilage of paint stored within the container. In addition, the cap and the removable lid preferably each further comprise tabs configured to facilitate removal of the lid from the container and to facilitate removal of the cap

from the lid. As described above, neither Webster, Adams nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments.

The independent Claim 1 is directed to a paint storage apparatus. The paint storage apparatus of Claim 1 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As discussed above, neither Webster, Adams nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. For at least these reasons, the independent Claim 1 is allowable over the teachings of Webster, Adams and their combination.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Webster, Adams and their combination. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 15 has been objected to as being dependent upon a rejected base claim. By the above amendment, the limitations from Claim 15 have been added into the independent Claim 6. Accordingly, the independent Claim 6 is allowable over the teachings of Webster, Adams and their combination.

Claims 7-12 are all dependent upon the independent Claim 6. As discussed above, the independent Claim 6 is allowable over the teachings of Webster, Adams and their combination. Accordingly, Claims 7-12 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 37 comprises integrally formed interior walls, one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers configured to store paint and a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior

walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. As discussed above, neither Webster, Adams nor their combination teach a paint storage apparatus comprising a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. For at least these reasons, the independent Claim 37 is allowable over the teachings of Webster, Adams and their combination.

Claims 40-43 and 45-49 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Webster, Adams and their combination. Accordingly, Claims 40-43 and 45-49 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 55 is directed to a paint storage apparatus. The paint storage apparatus of Claim 55 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments, permitting selective insertion of a paint applicator into each of the plurality of compartments. As discussed above, neither Webster, Adams nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. For at least these reasons, the independent Claim 55 is allowable over the teachings of Webster, Adams and their combination.

Within the Office Action, Claims 1-5, 37, 40-43, 45-49 and 55 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,746,346 to Crilly (hereinafter "Crilly") in view of Ban.

Crilly discloses a paint carrier comprising a paint carrying receptacle and a paint carrying device. The paint carrying receptacle is a separate and distinct apparatus from the paint carrying device. The receptacle has two generally planar walls, an arching side wall and a bottom wall.



All the walls are sealingly engaged to form a liquid-tight wedge of a cylinder whereby a multiplicity of similar receptacles may be juxtaposed to form a generally cylindrical receptacle arrangement. The paint carrying device is comprised of a side wall extending upward from the perimeter of a bottom wall and at least one irremovable and sealingly engaged dividing wall for dividing an inner volume of the device into at least two permanently separate compartments. Crilly does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Crilly does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

Ban teaches a wet storage device which is primarily used to temporarily store a paint brush or roller. The device comprises a hollow container 14 and a solid, planar lid 19 with a downwardly directed annular flange 20 for frictionally engaging the adjacent sides of the container. The lid is detachably mounted on the open top 16 of the container. The cover has at least one small opening 22 from which a number of similar slits 23 cut through the cover, extend in a radial direction to form between them a plurality of similar, pie-shaped, flexible segments 24 which frictionally engage and help hold the handle of the paint brush and roller suspended within the chambers of the container 14. Ban does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Ban does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

The Office Action includes a statement that modification of the paint pot of Crilly in view of the paint applicator storage container of Ban would be obvious to a person skilled in the art "in order to allow individual paint implement support." Ban provides support for paint implements in order to store them, while Crilly teaches a container for transporting and permitting use of paint. Adapting the container of Crilly to have a lid such as the one taught by Ban seems to provide only one added advantage: the ability to store a paint brush or roller within the paint already stored in the container. Ban suggests that paint be removed from a paint brush during or

prior to storage, i.e. that paint applicators should not be stored in paint. The cited portion of Crilly makes no suggestion that paint brushes or rollers be *stored* within its compartments. Thus, the Applicants submit that one skilled in the art would find no suggestion or motivation within either Crilly or Ban to combine the two references. According to MPEP §2143.01, the prior art must suggest the desirability of the claimed invention. Thus, the present invention is patentable over the combination of Crilly with Ban.

As discussed above, Crilly does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. Further, Crilly does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. As also discussed above, Ban does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As further discussed above, Ban does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. Accordingly, neither Crilly, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. Further, neither Crilly, Ban nor their combination teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

In contrast to the teachings of Crilly, Ban and their combination, the apparatus of the present invention is directed to a paint storage apparatus comprising a container divided into a plurality of adjoining chambers, and a removable lid having a plurality of orifices. The apparatus is preferably substantially cylindrical and is uniformly formed from a homogenous material. When the removable lid is fixed on the container, the orifices are aligned over the chambers, with

one of the plurality of orifices over each of the plurality of chambers. Further, when the removable lid and the container are mated, the plurality of chambers in the container are sealed such that paint cannot be interchanged between the chambers. The cap is configured to detachably couple to the lid and prevent spillage and spoilage of paint stored within the container. In addition, the cap and the removable lid preferably each further comprise tabs configured to facilitate removal of the lid from the container and to facilitate removal of the cap from the lid. As described above, neither Crilly, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments.

The independent Claim 1 is directed to a paint storage apparatus. The paint storage apparatus of Claim 1 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As discussed above, neither Crilly, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. For at least these reasons, the independent Claim 1 is allowable over the teachings of Crilly, Ban and their combination.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Crilly, Ban and their combination. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 37 comprises integrally formed interior walls, one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers configured to store paint and a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to

cooperatively engage the removable lid with the body portion. As discussed above, neither Crilly, Ban nor their combination teach a paint storage apparatus comprising a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. For at least these reasons, the independent Claim 37 is allowable over the teachings of Crilly, Ban and their combination.

Claims 40-43 and 45-49 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Crilly, Ban and their combination. Accordingly, Claims 40-43 and 45-49 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 55 is directed to a paint storage apparatus. The paint storage apparatus of Claim 55 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments, permitting selective insertion of a paint applicator into each of the plurality of compartments. As discussed above, neither Crilly, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. For at least these reasons, the independent Claim 55 is allowable over the teachings of Crilly, Ban and their combination.

Within the Office Action, Claims 1-5, 37, 40-43, 45-49 and 55 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Crilly in view of Adams.

As described above, Crilly does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Crilly does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the

interior walls and configured to separate the apparatus into a plurality of adjoining chambers. As also described above, Adams does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Adams does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. Accordingly, neither Crilly, Adams nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. Further, neither Crilly, Adams nor their combination teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

In contrast to the teachings of Crilly, Adams and their combination, the apparatus of the present invention is directed to a paint storage apparatus comprising a container divided into a plurality of adjoining chambers, and a removable lid having a plurality of orifices. The apparatus is preferably substantially cylindrical and is uniformly formed from a homogenous material. When the removable lid is fixed on the container, the orifices are aligned over the chambers, with one of the plurality of orifices over each of the plurality of chambers. Further, when the removable lid and the container are mated, the plurality of chambers in the container are sealed such that paint cannot be interchanged between the chambers. The cap is configured to detachably couple to the lid and prevent spillage and spoilage of paint stored within the container. In addition, the cap and the removable lid preferably each further comprise tabs configured to facilitate removal of the lid from the container and to facilitate removal of the cap from the lid. As described above, neither Crilly, Adams nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments.

The independent Claim 1 is directed to a paint storage apparatus. The paint storage apparatus of Claim 1 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As discussed above, neither Crilly, Adams nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. For at least these reasons, the independent Claim 1 is allowable over the teachings of Crilly, Adams and their combination.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Crilly, Adams and their combination. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 37 comprises integrally formed interior walls, one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers configured to store paint and a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. As discussed above, neither Crilly, Adams nor their combination teach a paint storage apparatus comprising a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. For at least these reasons, the independent Claim 37 is allowable over the teachings of Crilly, Adams and their combination.

Claims 40-43 and 45-49 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Crilly, Adams and their

combination. Accordingly, Claims 40-43 and 45-49 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 55 is directed to a paint storage apparatus. The paint storage apparatus of Claim 55 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments, permitting selective insertion of a paint applicator into each of the plurality of compartments. As discussed above, neither Crilly, Adams nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of chambers. For at least these reasons, the independent Claim 55 is allowable over the teachings of Crilly, Adams and their combination.

Within the Office Action, Claim 38 has been rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Webster and Crilly in view of either one of Adams and Ban and further in view of U.S. Patent No. 4,277,000 to Jaarsma (hereinafter "Jaarsma").

As described above, neither Webster, Crilly, Adams, Ban nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, neither Webster, Crilly, Adams, Ban nor their combination teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

Jaarsma teaches a multi-compartment container with an upper body portion 12, a top cap portion 14, and a bottom closure 16. The upper body 12 and the bottom closure 16 together form a body which carries the cap 14. The upper body portion 12 comprises a confining wall 18 and a divider wall 20. The divider wall 20 extends diagonally toward the upper side of the confining wall 18 to form an opening 50. The cap 14 is installed onto the body portion, the port 50 communicates with the opening 36. The cap and base portions are heat-fused to the upper body portion 12 by any suitable process so as to prevent leakage between compartments. Jaarsma

teaches a multi-compartment container apparatus. Further, Jaarsma does not teach a method of forming a divided paint cup with one or more dividing walls and forming a generally cylindrical removable lid having one or more orifices and one or more grooves configured to cooperatively engage the removable lid with the dividing walls. Accordingly, neither Webster, Crilly, Ban, Adams, Jaarsma nor their combination teach a method of forming a divided paint cup with one or more dividing walls and forming a generally cylindrical removable lid having one or more orifices and one or more grooves configured to cooperatively engage the removable lid with the dividing walls.

The independent Claim 38 is directed to a method of forming a divided paint cup. The method of Claim 38 comprises thermoforming plastic into one or more dividing walls configured into a generally cylindrical shape, thermoforming plastic around the dividing walls and into a generally cylindrical body portion having an open upper end, a rim extending radially outwardly from the perimeter of the open end of said body portion and thermoforming plastic into a generally cylindrical removable lid having one or more orifices and one or more grooves configured to cooperatively engage the removable lid with the dividing walls. As discussed above, neither Webster, Crilly, Ban, Adams, Jaarsma nor their combination teach a method of forming a divided paint cup with one or more dividing walls and forming a generally cylindrical removable lid having one or more orifices and one or more grooves configured to cooperatively engage the removable lid with the dividing walls. For at least these reasons, the independent Claim 38 is allowable over the teachings of Webster, Crilly, Ban, Adams, Jaarsma and their combination.

Within the Office Action, Claims 1-14, 37, 40-43, 45-50 and 53-55 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, in view of Webster, Crilly and U.S. Patent No. 3,262,556 to Morrison (hereinafter "Morrison").

Neither Adams, Webster, Crilly, Morrison nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, neither Adams, Webster, Crilly, Morrison nor their combination teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.



The independent Claim 1 is directed to a paint storage apparatus. The paint storage apparatus of Claim 1 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As discussed above, neither Adams, Webster, Crilly, Morrison nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of chambers. For at least these reasons, the independent Claim 1 is allowable over the teachings of Adams, Webster, Crilly, Morrison and their combination.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Adams, Webster, Crilly, Morrison and their combination. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 15 has been objected to as being dependent upon a rejected base claim. By the above amendment, the limitations from Claim 15 have been added into the independent Claim 6. Accordingly, the independent Claim 6 is allowable over the teachings of Adams, Webster, Crilly, Morrison and their combination.

Claims 7-14 are all dependent upon the independent Claim 6. As discussed above, the independent Claim 6 is allowable over the teachings of Adams, Webster, Crilly, Morrison and their combination. Accordingly, Claims 7-14 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 37 comprises integrally formed interior walls, one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers configured to store paint and a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. As discussed above, neither

Adams, Webster, Crilly, Morrison nor their combination teach a paint storage apparatus comprising a removable lid with a plurality of orifices, wherein the removable lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal and further wherein the removable lid further comprises one or more grooves configured to cooperatively engage the removable lid with the body portion. For at least these reasons, the independent Claim 37 is allowable over the teachings of Adams, Webster, Crilly, Morrison and their combination.

Claims 40-43, 45-50, 53 and 54 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Adams, Webster, Crilly, Morrison and their combination. Accordingly, Claims 40-43, 45-50, 53 and 54 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 55 is directed to a paint storage apparatus. The paint storage apparatus of Claim 55 comprises a container divided into a plurality of adjoining paint storage compartments by one or more walls and a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments, permitting selective insertion of a paint applicator into each of the plurality of compartments. As discussed above, neither Adams, Webster, Crilly, Morrison nor their combination teach a paint storage apparatus comprising a removable lid having a plurality of orifices and one or more depending grooves, wherein when the removable lid is fixed on the container the depending grooves cooperatively engage with the one or more walls aligning the orifices over the compartments, with one of the plurality of orifices over each of the plurality of compartments. For at least these reasons, the independent Claim 55 is allowable over the teachings of Adams, Webster, Crilly, Morrison and their combination.

Also within the Office Action, Claims 13, 14 and 50-54 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the combinations as applied to Claims 6 and 37 above, and further in view of U.S. Patent No. 5,490,608 to Hawkins (hereinafter "Hawkins").

Claims 13 and 14 are dependent on the independent Claim 6. Claims 50-54 are dependent on the independent Claim 37. As discussed above, the independent Claims 6 and 37 are both allowable over the combinations discussed previously. Accordingly, Claims 13, 14 and 50-54 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, it is indicated that Claims 16-36 are allowable.

For the reasons given above, Applicant respectfully submits that the Claims 1-14, 16-38, 40-43, and 45-55 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: February 27, 2006

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**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 2-27-06 By: Nickolas